IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO.814 OF 1996
IN
NOTICE OF MOTION NO.171 OF 1996
IN
SUIT NO.2348 OF 1990

Mackinnon Mackenzie & Company
Limited, a Public Limited Company
within the meaning of the
Companies Act, 1956 and having
its Registered Office at Shoorji
Vallabhdas Marg, Ballard Estate,
Bombay- 400 038. .. Appellant
(Orig.Deft.No.1)

v/s.

1. Bank of India,
a body Corporate constituted under
the Banking Companies (Acquisition
and Transfer of Undertakings)
Act of 1970 and having its office
at Express Towers, Nariman Point,
Bombay-400 021, and Branch at
England at Kent House, 11-16,
Telegraph Street, London EC-2
and its Bombay (Main) Branch at
70-80, Mahatma Gandhi Road,
Fort, Bombay-400 023.

2. Indian Bank, a body corporate
constituted under the Banking
Companies (Acquisition and Transfer
of Undertakings Act V of 1970,
and having its Head Office at 31,
Rajajisalai, Madras-600 001 in
the State of Tamilnadu and a
Branch among other places at United
India Building, Sir P.M.Road,
Fort, Bombay-400 001.

3. Central Bank of India, a Body
constituted under the Banking
Companies (Acquisition and
Transfer of Undertakings Act V
of 1970 and having its Head
Office at Chander Mukhi, Nariman
Point, Bombay-400 021.

4. Hill Properties Limited,
a company incorporated under the
Companies Act, 1956 and having
its Registered office at Alexander
Graham Bell Marg, Bombay-400 026.

5. Stand Properties Limited,
a Company within the meaning
of the Companies Act, 1956 and
having its Registered Office
at No.2, Fairlie Place,
Calcutta-700 001. .. Respondents
(No.1 Org.Plff. Nos.
2 to 5 Org.Defendants
Nos.2 to 5)

None appears.

CORAM : R.M. LODHA AND
J.P. DEVADHAR, JJ.

DATED : 2nd August, 2005

ORAL JUDGMENT (Per R.M.Lodha, J.)

None appears for the appellant.

2. We waited for about 40 minutes but we found none appearing for the parties.

3. From the perusal of the proceedings, it appears that the appeal was called out for hearing on 25.7.2005 and since nobody appeared on that day, the appeal was adjourned. Then again the appeal was called out for hearing on 29.7.2005 but none appeared and the matter was adjourned to 1st August, 2005. Due to heavy rains on 1st August, 2005 in the city of Mumbai, we adjourned the matter for today.

Nobody appears for the parties today as well.

4. We wanted to know from the Court Associate whether the suit was transferred to the concerned Debt Recovery Tribunal. The Court Associate after getting the original register from the office

informed us that the suit was transferred to the concerned Debt Recovery Tribunal on 2.9.2002 but the said suit came to be re-transferred to this court on 30th January, 2003 in view of the consent terms (Exhibit 15).

5. The Court Associate placed before us the consent terms (Exhibit 15). It appears therefrom that in view of the full and final settlement of the amount due and payable by the first defendant to the plaintiff, the parties have not been appearing in the present appeal. We, accordingly, dispose of the appeal for want of prosecution in the light of the consent terms (Exhibit 15).

No costs.

(R.M.LODHA, J.)

(J.P. DEVADHAR, J.)